

Appl. No. 10/716,225
Amdt. Dated August 3, 2004
Reply to Office action of May 3, 2004

REMARKS

The Applicant has reviewed the Office action dated May 3, 2004 and thanks Examiner Krishnamurthy for his detailed review of the pending claims. In response to the Office action the Applicant has amended claim 1. Accordingly, claims 1-13 remain pending in the present application. In the course of amending the claims no new matter has been added. The Applicants respectfully request reconsideration of the claims in view of the amendments and the following remarks.

Claims Rejected Under 35 U.S.C. §102(b)

The Office action rejects Claims 1-10, 12, and 13 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 2,624,587 to Watson et. al. In view of the amendment to independent claim 1, the Applicant respectfully traverses the rejection.

U.S. Patent No. 2,624,587 to Watson et al. discloses a valve assembly for compressors.

In contradistinction, claim 1, as amended, claims a vent for a constant velocity joint. The vent includes a flapper valve and at least one post extending from a first side of the flapper valve. The post defines a bending moment for the flapper valve. The vent also includes a bead extending from the first side of the flapper valve and a locator projection extending from the first side of the flapper valve.

Watson et al. does not disclose, teach, suggest or anticipate the present invention of claim 1, as amended. Specifically, Watson et al. does not disclose a vent for a constant velocity joint including a flapper valve having at least one post extending from a first side of the flapper valve wherein the post defines a bending moment for the flapper valve. Nowhere does Watson et al. disclose, teach or even suggest the use of a flapper valve, let alone a flapper valve with a post wherein that post defines a bending moment for the flapper valve. Watson et al. does not disclose, teach or even mention any type of bending moment for a flapper valve but only discloses a retainer head for slidably guiding valves. Hence, it is respectfully submitted that Watson et al. '587 fails to disclose all of the limitations claimed by applicant in claim 1, as amended. Therefore, it is respectfully

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submitted that claim 1, as amended and the claims dependent therefrom, overcome the rejection under 35 USC § 102(b) and are allowable over this rejection.

The Office action rejects Claims 1-6, 8-10, 12 and 13 under 35 USC § 102(b) as being anticipated by U.S. Patent No. 3,354,903 to Caruso. Again, in view of the amendment to independent claim 1, the Applicant respectfully traverses the rejection.

U.S. Patent 3,354,903 to Caruso discloses a disc valve.

In contradistinction, claim 1, as amended, claims a vent for a constant velocity joint. The vent includes a flapper valve and at least one post extending from a first side of the flapper valve. The post defines a bending moment for the flapper valve. The vent also includes a bead extending from the first side of the flapper valve and a locator projection extending from the first side of the flapper valve.

Caruso '903 does not disclose, teach, suggest or anticipate the present invention of claim 1, as amended. Specifically, Caruso does not disclose a vent for a constant velocity joint having a flapper valve with at least one post extending from a first side of the flapper valve wherein the post defines a bending moment for the flapper valve. Nowhere does Caruso disclose, teach or even suggest the use of a post extending from a first side of a flapper valve to define a bending moment for the flapper valve. Hence, it is respectfully submitted that Caruso '903 fails to disclose all the limitations claimed by applicant in claim 1, as amended. Therefore, it is respectfully submitted that claim 1, as amended and the claims dependent therefrom, overcome the rejection under 35 USC § 102(b) and are allowable over this rejection.

Claim Rejections Under 35 U.S.C. §103

The Office action rejects Claim 11 under 35 USC § 103(a) as being unpatentable over Watson et al. (U.S. Patent No. 2,624,587). Further, Claims 7 and 11 were rejected under 35 USC § 103(a) as being unpatentable over Caruso (U.S. Patent No. 3,354,903). It is respectfully submitted that claims 7 and 11, as dependent claims, are allowable over both of these rejections in view of the amendment to independent claim 1 described above. The Applicant respectfully requests removal of these rejections.

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Double Patenting Rejection

The Office action rejects Claims 1-13 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 6, 7 and 8 of U.S. Patent No. 6,699,129. The Applicant encloses a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome the rejection under the judicially created doctrine of obviousness-type double patenting with regard to U.S. Patent No. 6,699,129. Therefore, it is respectfully submitted that claims 1-13 are now allowable and that the rejection be removed.

Conclusion

The Applicants believe the present case is in condition for allowance and respectfully request that the Examiner pass the case to issue.

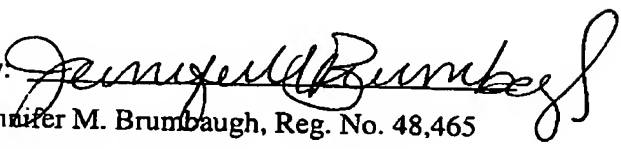
It is believe that any necessary fee(s) are included in the accompanying fee transmittal. However, if any additional fee is due please charge deposit account 07-1360 under reference number G00316/C from which the undersigned is authorized to draw.

If the applicant can be of any further assistance or provide any other information in the prosecution of this application, the Examiner is requested to call the undersigned at (248) 364-7716.

Respectfully Submitted by,

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Dated: August 3, 2004

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